

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHAMA GEMS, INC. doing business as GEM
INTERNATIONAL,

Plaintiff,

-against-

R & R GROSBARD, INC., ROBERT
GROSBARD, RICHARD GROSBARD,
and RITESH SHAH,

Defendants.

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Case No. 07 Civ. 9384 (RJS)

**DECLARATION OF
CHRISTOPHER B. TURCOTTE**

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

CHRISTOPHER B. TURCOTTE declares as follows:

1. I am a member of The Law Office of Christopher B. Turcotte, P.C., counsel to plaintiff Shama Gems, Inc. doing business as Gem International (“Gem Int’l”) in this action. I submit this declaration in support of plaintiff’s application for a preliminary injunction with temporary restraints.

2. With respect to this action, no prior application by Gem Int’l has been made for the relief herein requested or for any similar relief.

3. Attached hereto as Exhibit “1” is a true and accurate copy of Design Patent No. US D444,097 S issued from the United States Patent & Trademark Office on June 26, 2001.

4. Attached hereto as Exhibit “2” is a true and accurate copy of a licensing agreement entered into between Edwin B. Cutshall and Shama Gems, Inc., a New York corporation doing business as Gem International, dated May 28, 2002.

5. Attached hereto as Exhibit “3” is the original Declaration of Edwin B. Cutshall dated September 26, 2007.

6. Attached hereto as Exhibit “4” is the original Declaration of Parag Shah dated October 5, 2007.

7. Attached hereto as Exhibit “5” are true and accurate copies of *Jubilant Crown*® advertisements appearing in *Harper’s Bazaar*, *Town & Country*, *W Magazine* and *Modern Bride* magazines.

8. Attached hereto as Exhibit “6” is a true and accurate excerpted copy of *Rapaport Diamond Report, Guide to Fancy Shapes, Volume 2* for 2007.

9. Attached hereto as Exhibit “7” is the original Declaration of Jayesh Gandhi dated September 27, 2007.

10. Attached hereto as Exhibit “8” is the original Declaration of Navin A. Shah dated September 27, 2007.

11. Attached hereto as Exhibit “9” is a true and accurate copy of Andrew Turi’s expert report dated October 8, 2007.

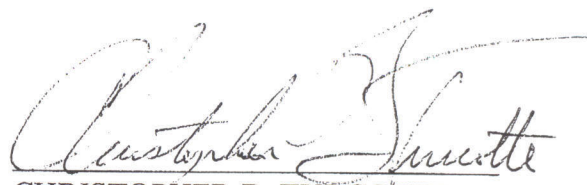
12. Attached hereto as Exhibit “10” is the original Declaration of Sanjay Khapere dated September 27, 2007.

13. Attached hereto as Exhibit “11” is a true and accurate copy of a Cease-and-Desist Notice from Christopher B. Turcotte, Esq. to R & R Grosbard, Inc. dated June 18, 2007.

14. Attached hereto as Exhibit “12” is a true and accurate copy of a letter from James V. Costigan, Esq. to Christopher B. Turcotte, Esq. dated June 28, 2007.

15. Attached hereto as Exhibit “13” is a true and accurate copy of expert Andrew Turi’s *curriculum vitae*.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the
18th day of October, 2007.



CHRISTOPHER B. TURCOTTE